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No 30

Great Brit. - George III

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*An ACT for Dividing and Inclosing the
Open and Common Fields and Common
Grounds in Whiffondine in the County
of Rutland,*



WHEREAS there are several open and Common Fields and Common Meadows, Common Pastures and Waste Grounds, in the Parish of *Whiffondine* in the County of *Rutland*: And whereas the Right Honourable *Bennet* Earl of *Harborough* is seized of divers Manors or Lordships within the Parish of *Whiffondine* aforesaid, and of divers Lands and Grounds lying and being in the Common Fields and Common Grounds of *Whiffondine* aforesaid. And whereas *Thomas Noel* Esquire, as surviving Trustee under the Will of *Bennet* the first Earl of *Harborough*, is seized of or intitled to the impropriate Rectory of *Whiffondine*; and the Glebe Lands of and belonging to the said Rectory, and the Tythes of Corn, Grain, and Hay, and all other great Tythes arising within the said Common Fields and Grounds; and also the Tythe of Wool arising within the said Parish of *Whiffondine*, and payable in Kind; and is also seized of, and intitled to the Manor of *Helwell*, otherwise *Holwell*, and divers Parcels of Land lying in the said Common Fields and Common Grounds of *Whiffondine* aforesaid, upon the several Trusts, and for the several Purposes in the said Will, and hereinafter mentioned. And whereas *Thomas Ball*, Clerk, is Vicar and Incumbent of the Parish Church of *Whiffondine* aforesaid, and in Right of the said Church, and by virtue of an antient Endowment,

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is intituled to a certain Part of the Glebe Lands of the said Rectory; and is also intituled to all Vicarial or small Tythes arising and renewing within the said Common Fields and Common Grounds, or to some pecuniary Payments in Lieu thereof; and is also intituled to the Vicarial Tythes arising and renewing in certain ancient Inclosures in the parish of *Whiffondine* aforesaid. And the said *Bennet*, now Earl of *Harborough*, in his own Right, and the said *Thomas Noel*, as Trustee as aforesaid, and the said *Thomas Ball*, together with the Honourable and Reverend *Robert Sherard*, *Christopher Hack*, *John Mason*, *Philip Heays*, and sundry other Persons, are the Owners and Proprietors of, and intituled to Right of Common, in and upon all the Lands and Grounds lying and being within the Common Fields and Common Grounds aforesaid. And whereas several Parts of the said Common Fields and Common Grounds lye at a great Distance from the Town of *Whiffondine* aforesaid, and the Lands belonging to the several Proprietors of the said Common Fields and Grounds, lye intermixed and dispersed in small Parcels in and over the same Fields and Grounds, and are in their present Situation incapable of any Improvement. And whereas the said *Bennet* now Earl of *Harborough*, *Robert Sherard*, and other the Freeholders, Owners, and Proprietors of the Common Fields and Common Grounds aforesaid, are willing and desirous that the same may be divided and inclosed, and specifick Parts and Shares thereof assigned to each Proprietor, according to their respective Properties and Interests therein; and that an annual Sum or yearly Rent may be charged upon, and issuing out of the Lands and Grounds hereinafter for that Purpose mentioned and described, and made payable to the said *Thomas Ball* and his Successors, Vicars of the said Parish Church of *Whiffondine* for the Time being, for ever, in lieu of, and as a Compensation for all the Vicarial or small Tythes due to the said Vicar, in such Manner, and under and subject to such Restrictions, Provisions and Directions, as are herein after mentioned: But although such Division and Inclosure, as aforesaid, will tend greatly to the Advantage of the Owners and Proprietors of the Lands and Grounds aforesaid, and be an Improvement to their several and respective Properties therein, and will also be of publick Utility; yet the same cannot be effectually established without the Aid and Authority of Parliament.

May it therefore please Your MAJESTY,

All the Common Fields to be allotted and divided before the 29th of September 1763.

That it may be enacted, and be it enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, that all the Common Fields, Common Meadows, Common Pastures, and Waste Grounds, in the Parish of *Whiffondine* aforesaid, shall, on or before the Twenty-ninth Day of September, One Thousand Seven Hundred and Sixty Three, be set out, divided, and allotted by *William Gilson* of *Greetham* in the County of *Rutland*; *Thomas Oldknow* of the Town

Town and County of the Town of Nottingham; Francis Lane of Somerby in the County of Leicester; Miles Lowly of Burleigh in the said County of Rutland, and Edward Muxloe of Pickwell in the said County of Leicester Gentleman, Commissioners appointed for that Purpose, and their Successors, or any three or more of them, in such Manner, and by, with, and under, and subject to, such Rules, Orders, Directions, and Provisions, as are herein-after laid down, established, appointed, and prescribed. And for that Purpose, it is hereby further enacted and declared, That the said Lands and The Land Grounds, so intended to be divided, and inclosed as aforesaid, shall to be surveyed some Time before the Twenty-fifth Day of March, One Thousand^{ed} Seven Hundred and Sixty Three be surveyed and measured by such Person as the said Commissioners, or their Successors, or any Three or more of them, shall nominate and appoint, and such Survey and Admeasurement, shall be reduced into Writing: And the Number of Acres, Roods, and Perches, belonging to each and every Proprietor, shall be therein set forth, specified, and ascertained. And the said Survey shall be laid before the said Commissioners, or their Successors, or any Three or more of them, from Time to Time, as they shall order or direct, at any of their Meetings, to be held pursuant to, and for the Purposes of this Act.

And be it further enacted, by the Authority aforesaid, That the Glebe to be said Commissioners, or their Successors, or any Three or more of allotted to the them, shall and may, and they are hereby authorised, and required, Vicar. In the first Place, after the said Survey shall have been laid before them as aforesaid, to assign, set out, allot, and appoint unto, and for the said Thomas Ball, and his Successors, Vicars of the said Parish Church of Whissandine, so much of the Lands and Grounds, lying in, and being Part of the Common Fields, and Common Grounds aforesaid, as in their Judgment, shall, at the Time of such Allotment, be a full Equivalent and Compensation (Quality as well as Quantity considered) for the Glebe Lands, and Grounds, within the said Parish of Whissandine, now belonging to the said Vicarage and Church, And which said Lands and Grounds, so to be assigned, set out, allotted, and appointed unto and for the said Thomas Ball, and his Successors as aforesaid, shall be indemnified and disincumbered by the other Owners and Proprietors of Lands and Grounds in the said Common Fields, of and from the Land-Tax charged, or to be charged upon, and payable out of the same, by Virtue of any present or subsequent Act of Parliament: and so indemnified and disincumbered, shall be accepted, held, and enjoyed, by the said Vicar and his Successors, in lieu, and Satisfaction of; and full Compensation for all the Glebe Lands, and Grounds, now belonging to the said Vicarage and Church.

And be it further enacted and declared, by the Authority aforesaid, That the said Commissioners and their Successors, or any Three allotted to the or more of them, shall afterwards, and in the next Place, assign, Impropiator. set

One Eighth
of the Lands
(after the Al-
lotments to
the Vicar and
Impropriator
for their
Glebe) to be
allotted to the
Impropriator
in lieu of
Tythes.

Charged with
Repairs of the
Chancel.

The rest of
the Lands to
be divided
amongst the
other Pro-
prietors.

set out, allot, and appoint, unto and for the said Impropriator of the said Rectory, so much, and such Part, of the said Common Fields, Lands and Grounds, so intended to be inclosed as aforesaid, as shall, Quality as well as Quantity considered, in the Judgment of the said Commissioners, or their Successors, or any Three or more of them, at the Time of such Allotment, be a full Equivalent and Compensation for the Glebe Lands and Grounds lying and being in the said Fields and Common Grounds, and now belonging to the said Impropriator; and which said Lands and Grounds so to be assigned, set out, allotted and appointed, shall be in Lieu and Satisfaction of, and as a full Compensation for, the Glebe Land and Ground in the said Fields and Common Grounds now belonging to the said Impropriator, in Right of the Rectory of *Whiffondine* aforesaid. And that the said Commissioners and their Successors, or any Three or more of them, shall and do, afterwards and in the next Place, assign, set out, allot, and appoint One Eighth Part (Quality as well as Quantity considered) of all the said Lands and Grounds so intended to be inclosed as aforesaid (which shall remain after the Allotments to and for the said Vicar and Impropriator, in Lieu of, and Compensation for, the Glebe Lands belonging to the said Rectory and Vicarage respectively, shall have been made in Pursuance of this Act) unto and for the said Impropriator of the Rectory of *Whiffondine* aforesaid, and the Owners of the said Rectory for the Time being: And which said One Eighth part so to be allotted to and for him and them as aforesaid, together with the Yearly Rent or Sum of Ten Pounds hereinafter charged upon, and made payable out of the Lands and Grounds to be allotted to the said *Bennet* Earl of *Harborough*, shall be in Lieu of, and as a full Recompense and Satisfaction for all the Rectorial, Predial, and Improprate Tythes of, and belonging to, the said Rectory, arising, renewing, or increasing, as well out of, or for, all or any of the Lands and Grounds hereby intended to be inclosed as aforesaid, as for, out, or in respect of, all or any of the ancient Homesteads or Inclosures, or other Lands or Hereditaments within the said Parish of *Whiffondine*, or the tytheable Places thereof, and shall (together with the said Lands and Grounds to be allotted to the said Impropriator, in Lieu of, and Compensation for, his Glebe Lands as aforesaid) be subject to, and charged with, the Repair of the Chancel of the Church of *Whiffondine* aforesaid, in such and the same Manner as the said Glebe Lands and Rectorial Tythes respectively were subject and liable to, at, and immediately before the Time of passing this Act.

And be it further enacted and declared, by the Authority aforesaid, That the said Commissioners and their Successors, do and shall, set out, allot, and appoint, the Residue of the Lands and Grounds lying in the said Open or Common Fields, Common Meadows, Common Pastures, and Waste Grounds hereby intended to be inclosed as aforesaid, which shall remain after the several Allotments to and for the said Vicar and Impropriator, for, or in respect of, their several

several Glebe Lands and Rectorial Tythes respectively shall have been made in Pursuance of this Act as aforesaid, unto and amongst the said *Bennet* now Earl of *Harborough*, *Robert Sherard*, *Christopher Hack*, *John Mason*, *Philip Heays*, and the Rest of the Owners and Proprietors of the Lands and Grounds, lying in the Common Fields and Common Grounds so intended to be inclosed, (other than the said Vicar and Impropiator, in respect of the Glebe Lands and Tythes last abovementioned) in such Quantities, Shares, and Proportions, as by the said Commissioners and their Successors, or any Three or more of them, shall be adjudged and determined to be a full Recompence, Satisfaction, and Equivalent for their several and respective Lands, Properties, and Right of Common, in, upon, and over the said Fields and Common Grounds so intended to be inclosed as aforesaid.

And be it further enacted, by the Authority aforesaid, That One Yearly Rent, or Annual Sum, of Ninety pounds of lawful Money of *Great-Britain*, clear of all Deductions, for, or in respect of any present or future Taxes, Assessments, or Impositions, or other Matter, Cause, or Thing whatsoever, shall be issuing, going, and payable, out of the Lands and Grounds which, by Virtue and in Pursuance of this Act, shall be allotted unto and for the said Impropiator of the Rectory of *Whiffondine* aforesaid, in Lieu of the Glebe Lands and Improprate Tythes of the said Rectory as aforesaid: And the said Yearly Rent or Sum of Ninety pounds shall be, and the same is hereby vested in the said *Thomas Ball* and his Successors, Vicars of the said Church of *Whiffondine* for the Time being, for ever, and shall be payable, and paid to him and them, in the Porch of the Parish Church of *Whiffondine* aforesaid, by four equal Quarterly Payments, at *Lady-day*, *Midsummer-day*, *Michaelmas-day* and *Christmas-day* in every Year for ever, the first Payment thereof to begin, and be made, at or on such of the said Feasts or Days, as shall first happen after the Division and Allotments of the said Common Fields and Common Grounds shall have been made and executed, and signified, ascertained, and declared, pursuant to, and according to the Tenor, Purport, and true Meaning of this present Act.

A clear annual Rent of Ninety Pounds, charged on the Lands allotted to the Impropiator, to be paid to the Vicar.

And be it further enacted and declared, by the Authority aforesaid, That the said Commissioners and their Successors, or any Three or more of them, do and shall assign, set out, allot, and appoint, unto and for the said *Thomas Ball*, and his Successors, Vicars of the Parish Church of *Whiffondine* aforesaid, so much and such Part of the Lands and Grounds hereby directed and intended to be inclosed, which, by Virtue and in Pursuance of this Act, shall be allotted to and for the said *Bennet* Earl of *Harborough*, as in the Judgment of the said Commissioners and their Successors, or any Three or more of them, shall be of the yearly Rent, or Annual Value of Six Pounds and Four Shillings according to the present Yearly Rent, or Annual Value, of such Sort of Land in the said Common Fields.

Lands of the yearly Value of Six Pounds and Four Shillings, to be allowed to the Vicar out of the Earl of *Harborough's* Share.

The Ninety
Pounds per
Annua Rent,
and the last
mentioned
Lands to be
a full Com-
pensation for
all Vicarial
Tythes.

But the Vicar
is still to have
all Surplice
Fees.

Power of Dis-
tress for Re-
covery of the
Ninety Pounds
per Annum.

Power of
Entry, and
Perception of
Profits.

And be it further enacted and declared, by the Authority
aforesaid, That the said yearly Rent, or Sum of Ninety pounds
hereby intended to be vested in the said *Thomas Ball*, and his Succes-
sors, Vicars of the said Parish Church of *Whiffondine*, and the Lands
and Grounds of the yearly Value of Six Pounds and Four Shillings
hereby intended to be allotted to the said Vicar and his Successors,
out of the Share and Allotment of the said *Bennet* Earl of *Harborough*,
are so intended to be vested in, and allotted to, the said Vicar, and his
Successors as aforesaid, in lieu of, and as a full equivalent Compen-
sation and Satisfaction for all Manner of Vicarial, or small Tythes,
and all other Tythes, Dues, Duties, and Payments whatsoever, to
the Vicar of the said Church of *Whiffondine*, for the Time being, from
all, or any of the Inhabitants, or Owners, or Occupiers of Lands or
Grounds within the said Parish, or the tytheable Places thereof.
Provided always, that nothing herein contained, shall in any wise
lessen, prejudice, impeach, or defeat the Right, Title, or Interest of
the said Vicar of the said Parish Church of *Whiffondine*, or his Suc-
cessors, of, in, or to any Mortuaries, *Easter Offerings*, or Fees for
churching, or burying, or any other Surplice Fees whatsoever, due
and payable to the Vicar of the said Church for the Time being.

And be it further enacted, by the Authority aforesaid, that if
the said yearly Rent, or Sum of Ninety Pounds, or any part thereof,
shall be behind or unpaid for Twenty one Days next after any of
the said Feasts, or Days whereon the same ought to be paid as afore-
said, then and in that Case, from Time to Time, as often as it shall
so happen, it shall and may be lawful, to and for the said Vicar
of the said Parish Church for the Time being, to enter into and
distrain upon the Lands and Grounds so charged therewith, or any
part thereof, and the Distress and Distresses then and there found to
take, drive, carry away, sell, and dispose of according to Law,
until thereby, or therewith, or otherwise all Arrears of the said
Rent then due, and all Costs, Charges, and Expences attending
such Distress and Distresses, Sale, and Disposition, and all Da-
mages to be sustained, by Reason of the Non-payment thereof, at any
of the Times limited and appointed, in that Behalf, shall be fully
satisfied, paid, and discharged. And also, if the said Yearly Rent,
or Sum of Ninety Pounds, or any part thereof, shall be behind,
or unpaid, for Thirty one Days next after any of the said Days
hereby limited and appointed for Payment thereof, then, and in
that Case, from Time to Time, as often as it shall so happen, it
shall and may be lawful, to and for the said Vicar of *Whiffondine*, for
the Time being, to enter into, and upon the Lands and Grounds
so charged therewith, and to take and receive the Rents, Issues, and
Profits thereof, to his and their own Use, until thereby, or there-
with, or otherwise, all Arrears of the said Yearly Rent then grown
due, or that during such Possession, shall grow due, and all Costs,
Charges, and Expences attending such Entry upon, and Perception of
the Rents and Profits of the same Premises, and all Damages to be
sustained

sustained by Reason of the Non-payment thereof, as afore-mentioned, shall be fully paid, satisfied, and discharged.

And be it further enacted, by the Authority afore said, That **A Rent of**
 one Yearly Rent, or Annual Sum of Ten Pounds of lawful Mo- **Ten Pounds**
 ney of *Great-Britain*, clear of all Deductions as afore said, shall be **per Annum to**
 issuing and going out of the Lands and Grounds, which shall be al- **be paid to the**
 lotted unto, and for the said *Benmet* Earl of *Harbarough*, by Virtue of **Impropriator,**
 this Act, and shall be payable and paid, to the Impropriator of the **out of Lord**
 said Rectory of *Whiffondine*, for the Time being, in the Church Porch **Harborough's**
 of *Whiffondine* afore said, on the four Quarterly Feasts or Days above- **Allotment.**
 mentioned, in every Year for ever. And that the said Impropriators,
 respectively, for the Time being, shall have, and exercise, such and
 the same Remedies, Powers, and Provisions, for recovering and re-
 ceiving, the said Yearly Rent of Ten pounds, and all Arrears thereof,
 as are before given and provided unto, and for, the said Vicar of the
 said Parish Church of *Whiffondine*, and his Successors for, or in re-
 spect of, the said Yearly Rent or Sum of Ninety pounds, hereby
 vested in, and made payable to him and them as afore said.

And be it further enacted, by the Authority afore said, That **No undue**
 nothing herein contained shall extend or be construed to extend to **Preference**
 authorize or empower the said Commissioners or their Successors, or **to be given to**
 any of them, to give any undue Preference to any of the Parties in- **any Proprie-**
 terested or concerned in the said intended Division and Inclosure, in **tor.**
 respect to their Allotments or Shares; but that the said Commis-
 sioners or their Successors in making their Allotments, shall have due
 Regard as well to the Quality as the Quantity of the Lands and
 Grounds so to be divided and allotted; and the Situation and Con-
 tiguity of the same to the Houses in the Town of *Whiffondine* afore-
 said, of the several Proprietors to and for whom the same Allotments
 shall be respectively assigned and allotted, as far as can conveniently
 be done and effected.

Provided always, That if any Person or Persons being Owner **Lammas**
 or Owners and Proprietors of any Lands or Grounds commonly cal- **Closes &c. to**
 led *Lammas* Closes or *Midsummer* Closes, or of any Spinney or Spin- **be allotted to**
 nies, Pingle or Pingles, within the said Fields or Grounds so intend- **the present**
 ed to be inclosed, shall be desirous of keeping and retaining the same **Owners, if**
 Closes, Spinnies or Pingles respectively, or any of them; and shall **desired.**
 at the first Meeting of the Commissioners to be held for the Purposes
 of this Act, or within One Month after such Meeting, signify such
 his Desire in Writing to the said Commissioners, or any Three or
 more of them: Then, and in such Case, it shall and may be law-
 ful to and for the said Commissioners, or their Successors, or any
 Three or more of them; and they are hereby authorized and re-
 quired to assign, set out and appoint such Close or Closes, Spinney
 or Spinnies, Pingle or Pingles, unto or for such Person or Persons so
 desiring the same respectively as afore said, as and for Part of the
 Allot.

Allotment to be made to or for him or them respectively, by virtue and in Pursuance of this Act.

Two or more
Shares may be
set out in one
Allotment,
if desired.

Provided also, That in case any Two or more Persons seized of, or intitled to Lands and Grounds in the said Open and Common Fields of *Whiffondine* aforesaid, shall be willing and desirous to have their respective Allotments laid together in one Plot, and shall at such first Meeting of the Commissioners as aforesaid, or in One Month thereafter signify such their Desire in Writing to the said Commissioners and their Successors, or any Three or more of them: Then, and in such Case, it shall and may be lawful to and for the said Commissioners and their Successors, or any Three or more of them, to set out, assign, and appoint the Lands and Grounds which they shall adjudge to belong to such Persons respectively, upon the said intended Inclosure, in one entire Plot, pursuant to such Request of the several Owners and Proprietors thereof as aforesaid.

Commission-
ers to set out
Roads.

And be it further enacted, by the Authority aforesaid, That the said Commissioners or their Successors, or any three or more of them, shall and may, and they are hereby authorised and empowered to ascertain, set out, and appoint both public and private Ways or Roads through the said Fields and Grounds hereby intended to be inclosed, with the Assize and Breadth thereof, so as all such public Roads to be made shall remain Fifty Feet in Width, except Bridle Roads and Foot Ways, in case any such shall be set out.

How the
Roads are to
be repaired.

And be it further enacted, by the Authority aforesaid, That all public Roads so to be set out and appointed, so long as the same lye open, and not inclosed or separated from the Lands and Grounds adjoining thereto respectively, as hereinafter is mentioned, shall from Time to Time be maintained, amended, and kept in Repair at the general Expence of the Inhabitants of *Whiffondine* aforesaid, in the same Manner as the present public Roads there are or ought to be repaired.

Provided always, That in case any Person or Persons intituled to any Lands or Grounds adjoining to any Road or Highway, to be set out and appointed by virtue of this Act, shall separate or inclose the said Lands and Grounds from the said Highway or Road, by a Hedge, Ditch, Mound, or Fence, to be made within One Hundred Yards of any such Highway or Road; then the said Highway or Road shall from Time to Time, so long as the same shall continue so separated, fenced off, or inclosed, be repaired, maintained, and kept in Repair, at the Expence of the Owners and Proprietors of such Lands and Grounds respectively for the time being; except only as to such Lands as adjoin to any Turnpike Road which may be fenced in on both Sides, leaving the Road of such Width as the said Commissioners, or their Successors, or any three or more of them, shall think proper and requisite in that behalf.

And

And be it further enacted, by the Authority aforesaid, That all Private Ways to be set out and appointed by Virtue and in Pursuance of this Act, shall be maintained, amended, and repaired at the Expence of such of the said Proprietors, and in such Manner, as the said Commissioners or their Successors, or any Three or more of them, shall, in that Behalf, order, direct, and appoint; and that it shall not be lawful for any Person or Persons afterwards to use, or to claim the Use of any Roads or Ways, either old or new, public or private, over, within, or through the said Fields and Grounds hereby intended to be inclosed, or any Part or Parts thereof, either on Foot, or with Horses, Cattle, or Carriages, other than such Roads or Ways as shall be so ascertained, set out, and appointed by the said Commissioners, or their Successors, or any Three or more of them as aforesaid: And that all former Roads and Ways, or so much thereof as shall not be set out and appointed as the Roads and Ways through the said intended Inclosure, shall be deemed Part of the Lands to be inclosed, and shall be divided and allotted as Part thereof. **Provided** nevertheless, that nothing herein contained shall extend, or be construed to extend, to give the said Commissioners or their Successors, or any of them, Power or Authority to divert, change, or alter the present great Post or Turnpike Road.

No Road to be used but what is set out by the Commissioners.

Post Road or Turnpike Road not to be altered.

Provided also, and be it further enacted, by the Authority aforesaid, That the several Stone-Pits, or Quarries of Stone now lying open in the Common Fields or Common Grounds hereby intended to be inclosed and used for building and other Purposes, and which do now belong to the said Earl of *Harborough*, or any other Person or Persons, shall remain and continue to be the Property of the said Earl, and of such other Person or Persons as are now seized or possessed of, and intitled to, the same respectively, in such and the same Manner, and for such and the same Estates and Interests, and subject to such and the same Limitations and Remainders, as the same would or might have been held and enjoyed by him or them respectively, if this Act had not been made; but so as no one Stone Pit or Quarry of Stone shall exceed ten Acres. And the said Commissioners and their Successors, or any three or more of them, shall and may, and they are hereby authorised and impowered to set out and appoint such convenient Roads or Ways from the said Town of *Whiffondine*, to the said several Stone-Pits or Quarries, as they shall think proper and requisite in that Behalf.

Stone Pits reserved to the present Owners.

And be it further enacted, by the Authority aforesaid, That all the Lands and Grounds so to be allotted and set out unto and for the said Vicar, in Lieu of, and in Compensation for, his said Glebe Land as aforesaid, shall, within the Space of Six Calendar Months next after the making the said Allotment, and the signing and sealing of such Award or Instrument as is hereinafter mentioned, be mounded round by Ditches and Quickset Hedges, and guarded or fenced with Posts and Rails, or otherwise, as the said Commissioners or their Successors, or any three or more of them shall think proper and requisite;

Lands allotted to the Vicar to be inclosed in six Months after Allotment, at the other Proprietors Expence.

All other Inclosures to be made within six Months after Award.

Power to set down Posts and Rails on adjoining Lands.

Gaps to be left for Six Months.

Power to take away Trees, Underwoods, &c.

site : And that the Charge and Expences of making and setting up such Quick Hedges, Ditches, Mounds, Posts, Rails, and Fences respectively, shall be paid and defrayed by the Owners and Proprietors of the other Lands in the said Common Fields and Grounds so intended to be inclosed as aforesaid, in such Shares and Proportions as the said Commissioners or their Successors, or any three or more of them, shall, for that Purpose, order, direct, and appoint : And that all the Hedges, Ditches, Mounds, and Fences to be made for the inclosing, separating, and dividing the Residue of the said Lands and Grounds so to be set out and allotted pursuant to this Act, shall, within the Space of Six Calendar Months from the signing and sealing such Award or Instrument, be made, and at all Times thereafter for ever repaired and maintained by and at the Expence of such Proprietors respectively, and in such Manner as the said Commissioners or their Successors, or any three or more of them, shall, in that Behalf, order, direct, or appoint. And that for the better preserving the young Hedges, it shall and may be lawful to and for the respective Persons to whom any Share or Allotment of the Lands or Grounds hereby intended to be inclosed, shall be assigned or allotted by Virtue of this Act, from Time to Time, and at all Times during the Term of ten Years next after the signing of such Award or Instrument, to set down and place Posts and Rails, or any other Fence, on the Outside of the Ditches bounding their respective Allotments, not exceeding Three Feet, from such Ditches, and at any Time before the End of the said Term, to remove, take, and carry away such Posts and Rails, and other Fences, and convert the same to their respective Use.

And be it further enacted and declared, by the Authority aforesaid, That convenient Gaps and Openings shall be left in the said Fences and Inclosures, for the Space of Six Calendar Months next after the Execution of the said Award and Instrument, for the Passage of Cattle, Carts, and Carriages, in, by, and through the same, unless the several Parties interested therein shall agree that the same shall sooner be made up, fenced in, and inclosed.

And be it further enacted, by the Authority aforesaid, That in Case any Lands or Grounds, upon which any Trees, Underwoods, Hedges, Bushes, or Shrubs, at the Time of making such Division and Allotments as aforesaid, shall be standing, growing, or being, shall be allotted or assigned to any Person or Persons, other than such as was or were the Proprietor or Proprietors thereof, at and immediately before the making such Allotments, then, and in such Case, it shall and may be lawful to and for such Owners and Proprietors thereof respectively, at any seasonable Time or Times within the Space of Six Months after such Allotments shall be made, to enter into and upon the Lands and Grounds upon which such Trees, Underwoods, Hedges, Bushes, or Shrubs shall be standing and being, and to fell and cut down, and with Horses, Carts and Carriages, to take

take and carry away the same, at his and their Wills and Pleasures, to and for his and their respective Use and Benefit.

Provided nevertheless, That if any such Hedges now standing upon the Premises shall be assigned, limited, or appointed by the said Commissioners or their Successors, or any three or more of them, as and for a Boundary or Fence for any of the Inclosures so intended to be made as aforesaid, all such Hedges shall be left for the Benefit of the Person or Persons to whom such new Inclosures shall belong by virtue of this Act, he and they making such Allowance and Satisfaction to the former Owners and Proprietors of such Hedges respectively, immediately after such Allotments shall be made, or at such other Time or Times as the said Commissioners or their Successors, or any three or more of them, shall, in that Behalf, order and appoint.

Hedges appointed for Boundaries are to be left, and Satisfaction made to the former Owners.

And for preventing Differences and Disputes, relating to the said Inclosure and Division, **Be it further enacted**, by the Authority aforesaid, that as soon as conveniently may be, after the said Commissioners, or their Successors, or any three or more of them, shall have compleated and finished the said Partitions, and Allotments of the said Lands and Grounds, hereby intended to be divided and inclosed, as aforesaid, pursuant to the Purport and Directions of this Act, they or their Successors, or any three or more of them, shall form and draw up, or cause to be formed and drawn up, an Award, or Instrument in Writing, which shall express and contain, the Quantity in Statute-Measure, of Acres, Roods, and Perches, contained in the said Fields and Grounds, so intended to be inclosed as aforesaid. And the Quantity of each, and every Part and Parcel thereof, assigned and allotted to each and every of the Proprietors intitled to, and interested in the same, and a Description of the Situation, Buttals, and Boundaries, of the same Parcels and Allotments respectively, and proper Orders and Directions for fencing and mounding the same, and for making and laying out proper Roads, Ways, and Passages, in and through the Premises so intended to be inclosed as aforesaid, and shall also express and contain, such other Orders, Regulations, and Determinations, as shall be proper and necessary to be inserted therein, conformable to the Tenor and Purport of this Act. And the said Award or Instrument, shall be fairly ingrossed or written on Parchment, and signed and sealed by the said Commissioners, or their Successors, or any three or more of them, and shall within three Calendar Months next after the same shall be signed and sealed as aforesaid, be inrolled by the Clerk of the Peace for the said County of *Rutland*, or any other Person officiating as such, or in one of his Majesty's Courts of Record at *Westminster*, to the End, Recourse may be more readily had to the same. And the said Award or Instrument, shall be binding and conclusive unto, and upon all the Parties interested in the said intended Inclosure, and a Copy thereof attested by the Officer, with whom the said Instrument shall

Award to be made by Commissioners.

Inrolled by the Clerk of Peace, &c.

Copy to be Evidence.

shall be inrolled, shall, from Time to Time, and at all Times thereafter, be admitted and allowed in all Courts whatsoever, as legal Evidence thereof.

Each Person's Allotment to be in Bar of his former Rights.

And be it further enacted, by the Authority aforesaid, that the several Lands and Grounds to be divided, assigned, set out, allotted, and appointed unto, and for the several Persons, who, by Virtue and in pursuance of this Act, shall be intitled to the same respectively, shall be in full Bar of, and Satisfaction, and Compensation for his, her, and their several Pieces and Parcels of Ground, which he, she, or they, had, before the passing of this Act, or immediately before the said Allotments made, and which were, and are, lying dispersed in the said Fields and Grounds, hereby intended to be inclosed. And, also in full Bar, Satisfaction, and Compensation of, and for all Right of Common, and other Right whatsoever, in, over, and upon the same. And, that from, and immediately after, the making of the said Divisions and Allotments, and the Execution of the said Award or Instrument, of such Tenor, and Purport, as afore-mentioned, or, as soon after, as by the said Commissioners for the Time being, or any three or more of them, shall, in that behalf, be directed and appointed, all Right of Common belonging to, or claimed by, any Person or Persons, in, over, or upon, any of the Fields, Pastures, Meadows, or Common Grounds, hereby intended to be inclosed, as afore-said, or any Part thereof, respectively, shall cease, determine, and be extinguished.

Right of Common to cease.

Leases and Contracts at Rack Rents to be void, and Satisfaction to be made to the Lessees.

And be it further enacted, by the Authority aforesaid, That all, and every Lease, and Leases, or Agreement, or Agreements, for leasing, or holding, any Lands or Grounds, lying and being, in the said Common Fields, or Common Grounds, hereby intended to be inclosed, at the improved, or Rack-Rent, for any Term or Terms of Years, which shall be subsisting at the Time of the Division, and Allotment thereof, pursuant to this Act, shall, immediately upon the making such Allotments and Divisions, of the said Lands and Grounds, and the Execution of such Award, or Instrument, as afore-said, or so soon thereafter, as the said Commissioners, or their Successors, or any Three, or more of them, shall, therein, or thereby, direct, or appoint, cease, determine, and be void, the several Owners and Proprietors of the Lands and Hereditaments, comprised in such Leases or Agreements, respectively, making such Satisfaction to such, their respective Lessee, or Lessees, Tenant, or Tenants, as the said Commissioners, or their Successors, or any Three, or more of them, shall ascertain, as reasonable to be paid to such Lessee, or Lessees, Tenant, or Tenants, on Account thereof, or as an Equivalent for the same.

Rights of Lords of Manors saved.

Provided always, and be it further enacted and declared, by the Authority aforesaid, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of any Person

son or Persons who shall respectively for the Time being, be Lord or Lords of any Manor or Manors, Lordship or Lordships, or reputed Manor or Manors, Lordship or Lordships, within the Jurisdiction or Limits whereof the said Fields and Common Grounds hereby directed to be inclosed, or any Part thereof respectively, are comprised, of, in, and to the Seigniories or Royalties incident or belonging to such Manors or Lordships, or reputed Manors or Lordships; but such Lord or Lords for the Time being shall and may, from Time to Time, and at all Times hereafter, hold and enjoy all Rents, Fines, Services and Courts, Perquisites and Profits of Courts, and all other Royalties and Privileges to such Manor or Manors, Lordship or Lordships, or reputed Manor or Manors, Lordship or Lordships, or to the Lord or Lords thereof respectively belonging or appertaining, (other than, and except such Common of Pasture, or other common Right as can or may be claimed, or belong to him or them respectively, in, over, and upon the Lands and Grounds hereby directed and appointed to be allotted to the several other Proprietors as aforesaid) in as full, ample, and beneficial Manner, to all Intents and Purposes, as they ought or might have held or enjoyed the same before the passing of this Act, or in case the same had never been made.

And be it further enacted, by the Authority aforesaid, That the several Lands and Grounds, which upon the said Inclosure and Division shall be assigned and allotted to the several Parties interested in the Premises, in Pursuance of this Act, whether the same belonged to, and were the Property of the same Parties, or of any other Person or Persons respectively, at, or immediately before such Allotment shall be made, shall from, and immediately after the Time of such Allotment, go, remain, and enure, and be held and enjoyed, and the several Persons to whom the same shall be assigned and allotted, shall from thenceforth stand and be seized thereof to such and the same Uses, and to and for such and the same Estates, and subject to such and the same Leases, (except Leases at rack Rents) Wills, Entails, Limitations, Remainders, Tenures, Rents, Services, Charges, and Incumbrances, as the several Lands, Grounds, Tenements, and Hereditaments, in lieu or in respect whereof such Allotments shall be made in Pursuance of this Act, now are, or should and would have been subject and liable to be charged with, or affected by, in case the same had remained uninclosed, or this Act had not been made; and all Leases, Wills, Entails, Limitations, Remainders, Tenures, Rents, Services, Charges and Incumbrances charged upon, or affecting any of the Lands or Grounds of any of the said Parties respectively, which, upon the said intended Inclosure and Division, shall be assigned and allotted to any other Person or Persons respectively, shall, immediately after the same shall be allotted to such other Person or Persons, cease, determine, and be void, any Thing herein contained to the contrary notwithstanding.

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And

The new Allotments to be subject to the same Uses and Incumbrances as the Lands for which they were allotted, and all other Leases and Incumbrances are to cease and be void,

Allotments to
be accepted in
Six Months.

And whereas it is requisite that some convenient Time should be fixed for every Person intituled to any Part of the said intended Inclosure, to accept of their respective Allotments and Shares, **Be it further enacted**, by the Authority aforesaid, That all and every such Person and Persons shall, and they are hereby required, to accept his, her, and their respective Allotments and Shares within the Space of Six Calendar Months next after the Execution of the aforesaid Award or Instrument, and Notice to him, her, or them respectively given by the said Commissioners or their Successors, or any three, or more of them, or affixed upon the Door of the Parish Church of *Whiffondine* aforesaid for that Purpose: And in Case any Person or Persons shall neglect or refuse to accept his, her, or their Allotment or Allotments within the Time beforementioned, such Person or Persons so neglecting or refusing, shall be totally excluded from having or accepting any Benefit or Advantage by this present Act, and also from any Estate, Interest, or Right of Common, or other Property whatsoever, in or to any the Lands and Grounds assigned and allotted to any other Person or Persons by Virtue of this Act.

Proviso in
Favour of Per-
sons under le-
gal Disabili-
ties.

Provided always, and be it further enacted, by the Authority aforesaid, That Executors in Trust, Guardians, Husbands, or Trustees of or for any Person or Persons under Age, or under Coverture, or otherwise incapable by Law to accept such Allotments as shall be made by the said Commissioners or their Successors, or any three, or more of them, shall be, and are hereby required and enabled to accept thereof, for and to the Use of such Person or Persons, and such Acceptance shall be, and is hereby declared to be, as valid and effectual, as if such Person or Persons had been of Age, or capable of acting for him, her, or themselves.

Provided nevertheless, That the Non-Claim or Non-Acceptance of any Guardian, Husband, Committee, Trustee, Tenant for Life, or Attorney, shall not exclude, or any Way prejudice, the Claim or Acceptance of any Infant, Feme-Covert, or other Person under such Disability or Incapacity as aforesaid, who shall claim or accept within One Year after such Disability or Incapacity is removed; nor shall exclude or prejudice any Person or Persons intituled as Heir, or in Remainder, after the Death of any Person dying under such Disability or Incapacity, who shall claim or accept within One Year after his, her, or their Right, Title, or Interest shall have descended or accrued to him, her, or them respectively.

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Commission-
ers to order
the Course of
Husbandry
till Inclosure
perfected.

And be it further enacted, by the Authority aforesaid, That from and after the passing of this Act, the said Commissioners, or their Successors, or any three, or more of them, shall order, direct, and appoint the Course of Husbandry that shall be used in all and every the said Common Fields and Common Grounds hereby intended to be inclosed, till such Time as they shall have finished and compleated the Divisions and Allotments, and executed the Award or Instrument herein

herein before directed to be by them made and executed. And that all the Lands in the Common Fields and Common Grounds aforesaid, shall, in the mean Time, and until the Execution of the said Award, be subject to such Rules, Orders, and Directions, with regard to the stocking, ploughing, sowing, tilling, manuring, or cultivating the same, as the said Commissioners or their Successors, or any three, or more of them, shall order, direct, or appoint, in that Behalf.

And whereas several of the Owners and Proprietors of the Lands and Grounds, lying in the said Common Fields, or Common Grounds, hereby intended, or directed, to be divided, and inclosed as aforesaid, his, her, or their Trustee, or Trustees, Committee, or Committees, Guardian, or Guardians, may have Occasion to borrow Money to pay, and defray their respective Shares, and Proportions of the Charges and Expences, attending such Inclosure and Division, and the necessary Sub-divisions thereof, and of the obtaining, and passing this Act, and cannot, by Reason of some Settlement, or Settlements, already made of their said Lands or Grounds, or of some Part thereof, or some other Impediment, Incapacity, or Incumbrance, affecting the same, make an Effectual Security thereof, for the Money wanted to be raised, and borrowed, for the Purposes aforesaid, **Be it therefore further enacted**, by the Authority aforesaid; That it shall, and may be lawful, to, and for the Husbands, Guardians, Trustees, or Committees, of any of the said Owners, or Proprietors, being under Coverture, or Minors, or Lunatics, or beyond the Seas, And to, and for, any of the said Owners, being Tenants in Tail, or for Life only, (other than, and except, the Vicar of the said Parish Church of *Whisfordine*, and his Successors) by, and with the Consent, and Approbation of the said Commissioners, or their Successors, or any three or more of them, to be signified in Writing, under their Hands and Seals, from Time to Time, to charge the Lands and Grounds, which shall, in Pursuance of this Act, be assigned and allotted, to such Owners and Proprietors, under any such Incapacity, or Disability, as aforesaid, with any Sum or Sums of Money, for the Purposes before-mentioned, not exceeding three Pounds, for every Acre of the said Lands, or Grounds, so to be to them, respectively allotted. And, for securing the Re-payment of such Sum, and Sums of Money, with Interest, to grant, mortgage, lease, demise, or otherwise assure the Lands and Grounds, so to be allotted, to the respective Persons, under any such Disability as aforesaid, unto such Person or Persons, as shall be willing to advance, or lend, the same respectively, for any Term, or Number of Years, SO as such Grant, or Demise, be made with a Proviso, or Condition, for the said Term, to cease and be void; or, with an express Trust, to be surrendered, when such Sum, or Sums of Money, thereby to be secured, together with the Interest thereof, shall be fully paid and satisfied; And, so as upon every such Grant and Demise, which shall be made by any Person or Persons, who shall be seized, or possessed, of the Premises so to be mortgaged, for any Estate, Term, or Interest, determinable

with

Power for Proprietors to borrow Money to pay for Inclosure, &c. notwithstanding any Settlement, &c.

with his, her, or their own Life, or Lives, he, she, or they, shall respectively enter into a Covenant, unto, or in Trust, for the Person or Persons, intituled to the Inheritance of the same Premises, immediately after the Death of the Person, or Persons, so mortgaging, or demising, respectively, for the due Payment of the Interest of the said Money, to be so borrowed and secured, as aforesaid, during his, her, and their Life, and Lives, respectively.

And be it further enacted, and declared by the Authority aforesaid, that every such Grant, Mortgage, Lease, or Demise, of the said Ground, Land, and Premises, or any Part, or Parts thereof, so to be made, in Pursuance of this Act, shall be as good, valid, and effectual, in the Law, for the Purposes thereby intended, as if the Person, or Persons, so mortgaging or demising, was, or were, then seized of the Premises, comprized in such Security, in Fee Simple.

Notice of
Commission-
ers Meetings
to be given.

Provided always, and be it further enacted, by the Authority aforesaid, That the said Commissioners or their Successors, or any three or more of them, do and shall, and they are hereby required to give, or cause to be given, public Notice in the Parish Church of *Whiffondine* aforesaid, upon some *Sunday* immediately after divine Service; and also in the *Cambridge* and *Stamford* News-Papers, so long as the same shall continue to be circulated, of the first and every other Meeting of the said Commissioners, for executing the Powers hereby vested in them, at least fourteen Days before such Meetings respectively (Meetings by Adjournment only excepted.)

Appointment
of new Com-
missioners.

And be it further enacted, by the Authority aforesaid, That when, and as often as one or more of the said Commissioners, appointed by this Act, or to be elected in the Manner herein after mentioned, shall die, or refuse to act, the surviving or remaining Commissioners, or the Major Part of them, shall, and they are hereby required from Time to Time, within two Calendar Months next after the Death or Refusal to act of such Commissioner or Commissioners by Writing under their Hands and Seals, to nominate and appoint one or more Commissioner or Commissioners not interested in the said intended Inclosure, instead of such Commissioner or Commissioners so dying or refusing to act as aforesaid: And every such Commissioner or Commissioners so to be appointed as aforesaid, shall have the like Power and Authority by Virtue of this Act, as the Commissioner or Commissioners, in whose Place or Places, he or they shall succeed, was or were vested with, provided that Notice be given in the Parish Church of *Whiffondine* aforesaid, and in the *Cambridge* and *Stamford* News-papers, so long as the same shall continue to be circulated as aforesaid, of the time and place of chusing, nominating, and appointing such Commissioner or Commissioners, at least fourteen Days before every such Meeting.

And

And be it further enacted and declared, by the Authority How the Charges of the Act and of the Inclosure are to be paid. aforesaid, That the Charges and Expences of passing this Act, and all the Costs and Charges attending the same, and the Costs and Charges of surveying, admeasuring, dividing, and allotting the Lands and Grounds so intended to be inclosed as aforesaid, and of the preparing and inrolling the said Award or Instrument, and all other the Charges and Expences of the said Commissioners, and other necessary Expences about and concerning the said Premises, shall be borne and defrayed by all the Proprietors and Owners of Lands, Grounds, and Right of Common in the said Common Fields and Common Grounds hereby intended to be inclosed as aforesaid, (other than, and except the said Vicar of the Vicarage and Parish Church of *Whiffondine* aforesaid) by an equal Pound Rate, according to the Value of the Lands and Grounds to be allotted to each Person respectively by virtue of this Act, the said Pound Rate to be specified, ascertained and determined by the said Commissioners, or their Successors, or any three or more of them; and that in case any of the Persons aforesaid shall refuse or neglect to pay his, her, or their Share or Proportion, Shares or Proportions of such Charges or Expences, within the Time to be limited by the said Commissioners or their Successors, or any three or more of them as aforesaid, unto such Person or Persons as they, or any three or more of them shall appoint to receive the same, then the said Commissioners or their Successors, or any three or more of them, shall and may, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels, of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting How to be recovered. the Costs and Charges of taking and making such Distress or Distresses, and Sale or Sales. OR otherwise, it shall and may be lawful to and for the said Commissioners, or their Successors, or any three or more of them, by Warrant under their Hands and Seals, to authorise and empower any Person or Persons whomsoever, to enter into, and upon the Premises so to be allotted, to such Person or Persons so refusing or neglecting to pay as aforesaid, and to take and receive the Rents and Profits thereof until thereby or therewith such Share or Shares, Proportion or Proportions, of the said Costs and Charges awarded and appointed by the said Commissioners, to be paid by such Person or Persons as aforesaid, and all Costs, Charges, and Expences occasioned by, or attending such Entry upon, and perception of the Rents and profits of the said Premises, shall respectively be fully paid and satisfied.

And whereas it may be for the Benefit and Convenience of several Power to exchange Lands. of the parties interested in the said intended Inclosures, that some of the Lands so to be assigned and allotted to them respectively by virtue of this Act, should be exchanged for other Lands and Grounds lying and being in the parish of *Whiffondine* aforesaid, or in any other parish thereunto adjoining; Be it therefore further enacted and declared, by the Authority aforesaid, That it shall, and may be lawful, to,
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and for, any of the said Parties, at any Time within ten Years, next after the Execution of the said Award, or Instrument, by, and with the Consent of the said Commissioners, and their Successors, or any three or more of them, to make Exchanges and Conveyances, of the said Lands and Grounds, so to be assigned and allotted to them, respectively, or of any Part, or Parts thereof, for any other Lands in the parish of *Whiffondine* aforesaid, or any other parish thereunto adjoining, and such Exchanges and Conveyances, shall be as good and effectual, to all Intents and purposes, as if the parties so exchanging, were respectively seized in Fee Simple of the Lands and Grounds, by them respectively to be conveyed and exchanged, any thing herein contained to the contrary notwithstanding.

Disputes between Proprietors to be determined by Commissioners.

And be it further enacted, by the Authority aforesaid, that in Case any Difference or Dispute shall happen to arise, between any of the parties interested in the said intended Inclosure, concerning or relating to the Situation, boundaries, and Extent of their several Lands and Grounds, lying in the said Common Fields and Common Grounds so intended to be inclosed, as aforesaid, or their Right of Common, in, and upon, the same respectively; It shall, and may be lawful, to and for the said Commissioners, and their Successors, or any three or more of them, to summon the contending parties, and after hearing them, to make such Award, Judgment, and Determination, in, about, and concerning the Matters in Dispute between them, as to the said Commissioners, or any three or more of them, shall seem just and reasonable. And such Award, Judgment, and Determination shall be final, and bind, and conclude the said Parties, respectively.

And whereas, by Virtue of the Will of the said *Bennet*, the first Earl of *Harborough*, a considerable Part of the Lands, lying in the Common Fields, and Common Grounds, hereby directed to be inclosed, as aforesaid, are (together with divers other Lands and Hereditaments of the same Earl) now vested in the said *Thomas Noel*, in Fee-Simple, upon Trust, out of the Rents and Profits of the same Premises, to raise, and pay, to the said *Bennet* now Earl of *Harborough*, the Annuity, or Yearly Sum, of One Thousand Pounds, free from Taxes and Reprizes, during his Life, and to place out the Residue of the said Rents and Profits, on Government, or other Securities, and to lay out the Money which should thereby arise, and be produced during his Life, from Time to Time, as the same should amount to Three Thousand Pounds, or other competent Sum, in the Purchase of Lands of Inheritance, to be settled to the Use of Trustees, and their Heirs, upon the same Trusts, as in his said Will were limited and declared, of, and concerning his Manors, Lands, and Hereditaments, therein before given and devised, to take Effect after the Death of the said *Philip* late Earl of *Harborough*, (that is to say) In Trust for the first, and every other Son of the same Earl successively, according to their Seniority, and the Heirs Male of their respective Bodies, and in Default of such Issue, In Trust for *John Sberard*, second Son of the said *Philip*, late Earl of *Harborough*, and since deceased without

without Issue) and for his first, and other Sons successively, and the Heirs Male of their respective Bodies, and for want of such Issue, In Trust for the said *Robert Sherard*, the third Son of the said late Earl *Philip*, for his Life, and after his Death, for his first, and every other Son, successively, and the Heirs Male of their respective Bodies, and for want of such Issue, In Trust for *Daniel Sherard*, (fourth Son of the said late Earl *Philip*, and since deceased without Issue) and for his first and other Sons successively, and the Heirs Male of their respective Bodies, and for want of such Issue, In Trust for the fifth, sixth, and every other Son, of the said late Earl *Philip*, successively, in Tail Male, with divers Remainders over.

And whereas the said *Robert Sherard* is, by Virtue of an Order of the High Court of *Chancery*, appointed Receiver of the Rents and Profits of the said Trust Estate, and is thereby directed to account for the Rents, Issues, and Profits thereof before one of the Masters of the said Court: And whereas although the making the said intended Inclosure will be productive of a considerable Improvement of the said Trust Estate, as well by augmenting the Yearly Income, as by increasing the Value of the Inheritance thereof, and consequently will be of great Benefit and Advantage to the Persons intitled to the Enjoyment thereof for the Time being, yet the necessary Charge and Expence attending the making and completing the said Inclosure and Division, and providing Materials requisite in that Behalf, cannot, in the present Situation and Circumstances of the said Trust Estate, be advanced or raised for that Purpose, without the Aid or Authority of Parliament: Be it therefore further enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said *Robert Sherard*, or such other Person as shall, by Order of the said Court of *Chancery*, be Receiver of the said Trust Estate for the Time being, with Leave of the said Court, to fell and cut down, or cause to be felled and cut down, such Wood and Timber standing and growing upon the said Trust Estate in *Whiffondine* aforesaid, as by the said Commissioners and their Successors, or any three or more of them, shall be thought requisite and necessary in that Behalf, and shall and do use, apply, and dispose of the same, or cause the same to be used, applied, and disposed of, in, for, and about the inclosing and dividing the Lands and Grounds which shall, by Virtue of this Act, be assigned, allotted, and appointed for or in respect of the said Trust Estate in *Whiffondine* aforesaid: And also to employ such Person or Persons as the said Receiver shall think fit, in, for, and about the hedging, ditching, fencing, mounding, laying out, inclosing, and sub-dividing the said Allotments respectively, in such Manner as shall be thought proper and requisite, and most conducive to the Improvement of the said Trust Estate in *Whiffondine* aforesaid.

Power for Receiver to cut Wood, and fence in the Lands allotted to the Trust-Estate, late of Bennet, first Earl of Harborough.

And be it further enacted, by the Authority aforesaid, That it shall and may be lawful to and for the Lord High Chancellor, Lord Keeper of the Great Seal, or Commissioners for the Custody of the Great Seal of *Great-Britain* for the Time being respectively, from time

Power for Lord-Chancellor to order Payment of the Expences of the Inclosure of the Trust-Estate.

Time to Time, upon the Application of the said *Robert Sherard*, or the Receiver of the said Trust Estate for the Time being, or any of the Parties interested therein, to order and direct such Sum or Sums of Money, as shall be thought proper and requisite in that Behalf, to be raised in such Manner as to the said Court of *Chancery* shall seem meet and proper, and most beneficial for the Parties interested in the Trust Estate aforesaid; and that the said Money when raised, shall be issued, paid, and applied by the said Receiver for the Time being, for defraying the Charges and Expences of inclosing and dividing the Lands and Grounds allotted unto, for, or in respect of the said Trust Estate in *Whiffondine* aforesaid; and also such Share and Proportion of the Charges and Expences of carrying this Act into Execution, as the said Commissioners, and their Successors, or any three or more of them shall ascertain, direct, and appoint, and that such Receiver shall be allowed the same in his Accounts accordingly, together with the Costs of such Application.

And whereas the Common Fields, Common Meadows, Common Pastures, and Waste Grounds within the parish of *Whiffondine* hereby directed to be inclosed, are very extensive, and it may happen that several of the Allotments to be assigned to the said *Bennet* now Earl of *Harborough*, may lye in such a Manner as to make it necessary for the said Earl, in order for the proper manuring and cultivating the same, to erect and build one or more Farm-house or Farm-houses, with proper Out-houses, Offices, and other Conveniencies, to belong to the same, upon some Part of the Lands and Grounds to be allotted to him upon the said Inclosure, by Means whereof the Value and yearly Income of the said Allotments may be considerably improved and augmented: But as the said Earl is only Tenant for life of the said Premises, he is not qualified or enabled to raise a sufficient Sum of Money for the Purpose aforesaid.

Power for Lord
Harborough to
raise Money
to build Farm-
houses.

Be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said *Bennet* Earl of *Harborough*, at any Time during his natural life, by and with the Consent and Approbation of the Commissioners for putting this Act in Execution, or their Successors, or any three or more of them, to be signified in Writing under their Hands and Seals from time to Time, to charge and mortgage the Lands and Grounds which shall be allotted to him by virtue of and in pursuance of this Act, with any Sum or Sums of Money not exceeding the Sum of Six Hundred Pounds (over and above what he is herein before impowered to borrow upon the said Lands and premises) and the said Sum of Six Hundred Pounds shall be paid to such person or persons, as the said Commissioners or their Successors, or any three or more of them shall order, direct or appoint; and shall be laid out and applied in building such Farm-house or Farm-houses, together with such proper Offices and conveniencies for the Tenants or Occupiers thereof respectively as aforesaid; and for securing the Re-payment of such Sum and Sums of Money as aforesaid, with Interest for the same, It shall and may be lawful to and for the said

Bennet

Bennet now Earl of *Harborough*, to grant, charge, mortgage, lease or demise the lands and Grounds so to be assigned and allotted to him as aforesaid, or any part or parcel thereof, unto such person or persons as shall advance or lend the same respectively, for any Term or Number of Years, so as such Grant, Charge, Mortgage, Lease or Demise be made, with a proviso or Condition to cease and be void, or with an express Trust, to be surrendered when such Sum and Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and so as in every such Grant or Demise which shall be made by the said Earl, there be contained a Covenant, that he the said Earl shall pay and keep down the Interest of the said Money to be thereby respectively secured during his natural life.

Saving always to the King's Most Excellent Majesty, his Heirs and Successors, and to all and every other person and persons, Bodies politic or corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than, and except all persons to whom any Allotment or Allotments of lands shall be made by virtue of this Act) all such Estate, Right, Title and Interest, as they, every or any of them had or enjoyed of, in, to, or in respect of the said Common Fields, Common Meadows, Common Pastures, and Waste Grounds, before the passing of this Act, or could or might have had or enjoyed, in Case the same had not been made. But no such Person or Persons, Bodies Politic or Corporate, his, her, or their Heirs, Executors, Administrators, or Successors, shall have Power to disturb any of the Allotments to be made in pursuance of this Act, but shall accept the respective Allotments which shall be so made, in Lieu of the Lands, Common Rights, Tythes, or other Interest which he, she, or they would have been intitled to in Case this Act had not been made.

A **Q** **T**
For Dividing and Inclos-
ing the Open and Com-
mon Fields, and Com-
mon Grounds, in Whif-
sondine, in the County
of Rutland.